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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,507	09/27/2001	Richard C. Chu	POU920010086US1	3327

7590                    10/05/2004

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EXAMINER

LEO, LEONARD R

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 10/05/2004  
3

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/965,507	CHU ET AL.
	Examiner	Art Unit
	Leonard R. Leo	3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 and 17-23 is/are rejected.
- 7) Claim(s) 14-16 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/27/01.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Eisenhauer.

Claims 1-2, 4, 6-8 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Huyette or Newman (1,821,765). Fans are inherent structures with refrigeration systems.

Claims 1-2, 4, 6-10, 12-13, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman (2,029,890). Fans are inherent structures with refrigeration systems.

Claims 1-3, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Burgess or Treanor. The device of Treanor is capable of containing a liquid.

Claims 1-2 and 20-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chu et al.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (2,029,890).

Newman (2,029,890) discloses all the claimed limitations except a copper or aluminum fin.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ any fin material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claims 1-13, 18, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (2,029,890) in view of Burgess or Treanor.

The device of Newman (2,029,890) lacks a fan operably connected to the motor and pump.

Burgess discloses an integrated cooling device comprising a reservoir 12, pump 19, motor 18 and commonly operated fan 24 for the purpose of optimizing space requirements.

Treanor discloses an integrated cooling device comprising a reservoir 13, pump 18, motor 16 and commonly operated fan 17 for the purpose of optimizing space requirements.

Since Newman (2,029,890) and Burgess or Treanor are both from the same field of endeavor and/or analogous art, the purpose disclosed by Burgess or Treanor would have been recognized in the pertinent art of Newman (2,029,890).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Newman (2,029,890) a commonly operated fan for the purpose of optimizing space requirements as recognized by Burgess or Treanor.

Regarding claim 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ any fin material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (2,029,890) in view of Burgess or Treanor as applied to claims 1-13, 18, 20 and 23 above, and further in view of Mancinelli.

The combined teachings of Newman (2,029,890) and Burgess or Treanor lacks automatic vanes.

Mancinelli discloses a ventilator comprising a frame 2 enclosing a motor 36 and fan 26, and vanes 12 automatically controlled in response to the air flow (abstract) for the purpose of providing protection and backflow.

Since Newman (2,029,890) and Mancinelli are both from the same field of endeavor and/or analogous art, the purpose disclosed by Mancinelli would have been recognized in the pertinent art of Newman (2,029,890).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Newman (2,029,890) automatically controlled vanes for the purpose of providing protection and backflow as recognized by Mancinelli.

***Allowable Subject Matter***

Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is 703-308-2611. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 703-308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Leonard R. Leo  
Primary Examiner  
Art Unit 3753

October 1, 2004